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OFFICE OF PETITIONS

In re Application of :
Hirtzlin et al. :
Application No. 09/874,341 : **DECISION ON PETITION**
Filed: 06-05-2001 :
Attorney Docket No. PF000056 :

This is a decision on the petition under 37 CFR 1.181, filed January 12, 2007, to withdraw the holding of abandonment for the above-identified application.

This application was held abandoned for failure to respond timely to the final Office Action mailed on May 12, 2006, which set a three-month shortened statutory period for reply. In the apparent absence of a timely filed response, the application was held abandoned and a Notice of Abandonment was mailed on November 14, 2006.

Petitioners asserted that they filed a timely response to the final Office action on Monday, November 13, 2006. A copy of the response in the form of a RCE, an amendment, and a request for an extension of time for response within the third month, bearing a certificate of transmission dated Monday, November 13, 2006, accompany the petition. Additionally, petitioners provided the Office with a copy of the Auto-Reply Facsimile Transmission and a copy of the sending unit report showing a successful transmission.

Upon a review of the record, the Office has located the RCE, an amendment, and a request for an extension of time for response within the third month (and fee) filed on Monday, November 13, 2006. As petitioners filed the reply and a three-month extension of time on the next business day succeeding the last day of the six-month statutory period for response pursuant to 37 CFR 1.7(a),¹ the petition is **granted**.

¹ When the day, or the last day fixed by statute or by or under this part for taking any action or paying any fee in the United States Patent and Trademark Office falls on Saturday, Sunday, or on a Federal holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding business day which is not a Saturday, Sunday, or a Federal holiday." 37 CFR 1.7(a).

The Notice of Abandonment was mailed in error and is hereby withdrawn. The application is restored to pending status in view of the fact that a response was timely filed and received on Monday, November 13, 2006.

The matter is being referred to the Technology Center Art Unit 2614 for a review of the reply submitted on Monday, November 13, 2006.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3211.

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